

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ilana (Helena) NATHAN et al.

Date: January 25, 2007

Serial No.: 10/509,405

Group Art Unit: 1614

Filed: September 24, 2004

Examiner: Billy D. CHISM

For: COMPOSITIONS AND METHODS FOR TREATING AND PREVENTING  
NECROSIS

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**VIA EFS-WEB**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Sir:

In the Office Action mailed in this case on September 26, 2006, claims 1-14 are subject to a restriction and/or election requirement.

In particular, in accordance with 37 C.F.R. 1.499 the applicant is required to elect a single invention from among claim Groups I - V. In response, applicant elects with traverse Group I which includes claim 2 drawn to the *in vitro* treatment of cell necrosis.

Applicant notes further, however, the Examiner's statement at p. 2 of the Office Action that claims 1 and 3-5 link claim Groups I, II and V and that, upon the indication of allowability of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from, or otherwise requiring all of the limitations of such allowable linking claims will be rejoined and fully examined for patentability in accordance with 37 C.F.R. 1.104.

In addition to the above, the Office Action additionally states (on p. 4) that this application contains claims directed to more than one species of the generic invention and that applicant is required to elect a single species from the species (i) - (iv) indicated by the Examiner to which the claims of the elected invention shall be restricted in the event no generic claim is finally held to be allowable.

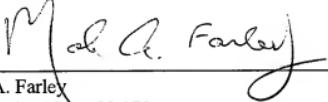
In response to the species election requirement, therefore, applicant elects with traverse species (i), i.e., those species of encompassing any elastase enzyme inhibitor. In regard to this election, moreover, the Office Action notes (on p. 4) that applicant's reply must also identify the claims readable on the elected species. In regard to this requirement, applicant is in agreement with the Examiner's view, as stated on p. 5 of the Office Action, that all claims are generic to the species encompassed by the genus of elastase inhibitors.

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON JANUARY 25, 2007

  
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